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Daily News

# Inhofe Investigating EPA Intent Behind Flailing Fracking Enforcement Cases

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Sen. James Inhofe (R-OK), ranking member on the environment panel, is investigating what he argues is EPA's attempt to harm hydraulic fracturing operations with three recent oversight actions in Pennsylvania, Texas and Wyoming where the agency's efforts appear to have struggled with legal, scientific and other issues.

"EPA clearly went through with these investigations based on preconceived conclusions with the explicit goal of tying potential environmental harms to hydraulic fracturing," Inhofe said in an April 25 floor speech.

Inhofe is targeting three recent EPA efforts -- one case in Parker County, TX, where EPA issued a Safe Drinking Water Act (SDWA) emergency order to a driller claiming the company "caused or contributed to" drinking water contamination, and cases in Dimock Township, PA, and Pavillion, WY, where the agency used existing Superfund authority to investigate groundwater contamination and EPA indicated drilling might be to blame.

The cases are seen as an important test for the agency's developing enforcement strategy for using existing authority to ensure fracking activities did not harm drinking water. But in all three cases, EPA has faced heated challenges from some lawmakers, industry and state agencies that charge that the agency acted prematurely without solid scientific evidence linking the oil and gas drilling in the area to reported water pollution.

In his floor speech, Inhofe said that a congressional investigation is especially needed given that the agency is continuing with studies in all three states, along with its massive two-year study on the potential impacts of fracking on drinking water, and in light of 2010 statements from EPA Region VI Administrator Al Armendariz.

Armendariz said that oil and gas was an enforcement priority for the agency, but described a meeting where, speaking to his staff, he drew a comparison to Roman conquests of Mediterranean villages.

"They'd go into a little Turkish town somewhere, they'd find the first five guys they saw, and they would crucify them," Armendariz says in a 2010 video in an April 25 that Inhofe made available in a press release announcing the floor speech and investigation. "And then you know that town was really easy to manage for the next few years. So, we make examples out of people who are, in this case, not complying with the law," Armendariz said.

Armendariz' remarks came shortly before Region VI issued a Dec. 7, 2010 SDWA emergency order to Range Resources, a Texas driller that the agency charged "caused or contributed to" residential drinking water contamination in Parker County. But the agency withdrew the order last month, ending litigation over the company's challenge in the U.S. Court of Appeals for the 5th Circuit over the

constitutionality of the enforcement action.

In an April 25 letter to EPA Administrator Lisa Jackson, Inhofe points out that the agency's findings in the Texas case contradicted the state's conclusions that the drilling activities were not to blame for the contamination, and that the methane detected in the drinking water was naturally occurring gas. "Following the withdrawal of EPA's administrative order, I am concerned that the Agency's intervention was of questionable necessity in light of the evidence available, and in the context of the ongoing investigation and oversight of the state's regulatory body," Inhofe writes in the letter.

In light of Armendariz' statements, Inhofe is seeking a host of information from the agency, including when EPA reached its conclusion that the contamination rose to the level of "imminent and substantial endangerment" to trigger the SDWA order and why the agency decided to withdraw the order. -- *Bridget DiCosmo* ( [bdicosmo@iwpnews.com](mailto:bdicosmo@iwpnews.com) ) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

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